PLYMOUTH BOARD OF SELECTMEN

TUESDAY, APRIL 11, 2017

MAYFLOWER ROOM, TOWN HALL, 11 LINCOLN STREET, PLYMOUTH, MA – 7:00 PM

7:00PM - CALL TO ORDER

Ken Tavares, Chairman of the Board, called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

Present: Kenneth A. Tavares, Chairman
Anthony F. Provenzano Jr, Vice Chairman
John Mahoney
Sean Page
Shelagh Joyce

Melissa Arrighi, Town Manager
Derek Brindisi, Assistant Town Manager

7:01PM – PLYMOUTH COUNTY BUDGET

Frank Basler, County Administrator, started by saying he watches the Plymouth Selectmen's Meetings regularly in order to keep up with the facts and that he appreciates how hard they work. He said he's been with Plymouth County for two years now and serving Plymouth and the other communities is his passion. He went on to say that the County Commissioners have approved this budget so now it goes to the Advisory Board to be ratified. Mr. Basler said the budget included some added services, salary increases and two new positions at the Registry of Deeds. He then highlighted a service that he feels is very important which is an entomologist to battle the tick control within Plymouth County. He then introduced the County Treasurer, Thomas O'Brien to talk more on the budget.

Mr. O'Brien began by saying Plymouth Country continues to be fiscally responsible and monitors its budget growth very closely. He added that the County stays in close contact with Plymouth and wanted to compliment the Town on their website saying that it is user friendly and easy to find information that is up to date.

John Mahoney, Selectman, stated his disappointment that there weren't any County Commissioners here with them tonight. He then asked for an update on the former South Street Transfer Station and the capping of the site.

Frank Basler said that the invitation to come in tonight came out late last week so it was short notice to get them to come with us. He then said that the South Street Transfer Station has a couple of law suits ongoing and that they were in the discovery phase.

Selectman Mahoney then asked if they had a ball park of what the costs might be up to in regards to these law suits.

Mr. Basler said it was before his time but it's not significant at all. He then referred it over to the Treasurer.

Mr. O'Brien said that he didn't have the numbers off the top of his head but stated that it is less than anyone would think. He then said he would get them the exact numbers.

Selectman Mahoney said that everything that's been done to that transfer station has been done by the Town of Plymouth. He then asked Mr. Basler why the County Commissioners want to give themselves a raise.

Frank Basler said that County Commissioner Chair, Daniel Pallotta, wanted to make sure they were working on making the Counties 27 communities better, so they cut the Commissioner's salaries at the time. At the time, these cuts were based on current actions and were meant to be restored once the County was headed in the right direction. The last couple of fiscal years have been stronger and the budget is balanced so they decided it was a good time to restore their salaries back to $28,000 per year. Mr. Basler added that their commitment to the 27 communities is very high.

Selectman Mahoney then asked with a 9.7 million dollar budget, and the Registry of Deeds is the only sustainable portion of County Government, can you explain the huge loss of jobs within the Registry of Deeds. He also asked now many positions they were down by.

Frank Basler said that with new technology and the decrease in registered deeds there was a need to make those cuts. Recently it was discovered that they needed to increase their workforce so we proposed two full time positions. Mr. Basler added that they are down by 14 positions but said that some were already vacant.

Treasurer O'Brien said that the Registrar of Deeds advised us that he is comfortable with these two new positions. Mr. O'Brien also said that we have one of the best Registry of Deeds and Mr. Provenzano can attest to that.

Selectman Mahoney said that he has followed County Government and I noticed that once these Commissioners were elected they gave themselves a raise, before doing anything for the County. He also added that he's getting contradictory information from the Registry of Deeds and that they are not adequately staffed. He finished by saying he isn't buying any of this and he will not support this budget.

Selectman Provenzano asked Frank Basler to give the Board a little more information on the dredging program that they currently have.

Mr. Basler said that they acquired a new John Deer Dredger and that the County will be offering it communities at a reasonable rate. He said currently they are working with Marshfield dredging Green Harbor, but it can also be used for dam improvements as well.

Selectman Provenzano then asked how many satellites the Registry of Deeds has and if they had plans to close any of those offices, to which Mr. Basler said the main office in Plymouth, and two other locations in Brockton and Rockland. He said they don't plan on reducing that because we are always looking at ways to be more efficient without hurting customer service.

Shelagh Joyce, Selectman, started out by commending the County on their website and the person who maintains it. She then said that the Registry of Deeds in Brockton and Rockland will be closed during lunch breaks. Will this remain the same with these two new positions?

Frank Basler said yes, these offices will be closed during lunch because we mainly do it for safety reasons so no one is left alone from noon to 1:00pm.

Selectman Joyce then made the suggestion that there really isn't a need for the banner message stating that if it's going to be a regular schedule.

Chairman Tavares then asked if there was any public comment on the County Budget.

Linda Benezra, from the League of Women Voters, came up and gave a hand-out to the Board members. She then read from that hand-out and asked the following questions:

- Why are all elected officials included with the permanent employees?
- What was the process for establishing a pay raise for the Commissioners from $15,150 to $28,000?
- Are the other elected officials, Treasurer and Registrar of Deeds receiving raises?
- What criteria were used and who was involved in make these recommendations?
- What are the year to date revenues for the Deed Excise and Recording Fees, and why are they not readily available?
- What is the actual revenue for the Municipal Procurement Administration and are they reaching the goal? And how do we know?
- Why do we continue to support a Parking Program that historically runs in deficit?

Chairman Tavares then asked if Frank Basler and Tom O'Brien wanted to address any of these questions tonight.

Frank Basler said that the Commissioners salaries have no line item to be called out on so they are added to the salaries of the employees.

Chairman Tavares then asked who suggested that the Commissioners should get a raise, to which Mr. Basler said the budget starts with goals and one of those goals was to reinstate the Commissioner's salaries to what they were before.

Chairman Tavares said he appreciated them being here tonight answering difficult questions. He then said that looking through the budget it seems that the Commissioner's salaries are extravagant. Chairman Tavares said that some Selectmen get $4,000 and some get nothing as compared to the Commissioners getting $28,000 per year. We do this to serve the community and not for profit. He went on to say he was prepared to offer an amendment to the budget to strike the Commissioner's raise. He finished by asking why a revenue report wasn't readily available.

Treasurer O'Brien said that the Commissioners are given a quarterly report and the Administrator does research on other counties in regards to staff and salaries.

Chairman Tavares then said that if he found another community where the Selectmen made $15,000 I certainly wouldn't come back and expect that Plymouth should do the same. Chairman Tavares then asked about the Parking Program and why it was running on a deficit. He asked at what point will it turn itself around and what will be done to assure that?

Treasurer O'Brien replied by saying the Parking Program wasn't meant to be a revenue generator. It's a service which reaches 33 communities inside and out of Plymouth County. Some communities choose to take advantage of the service and others don't. Many communities value the Parking Program because they benefit from it. The County Budget and the Parking Program are audited regularly and that is available to anyone at any time.

Chairman Tavares then asked how many of the 33 communities are in Plymouth County, to which Mr. O'Brien replied about half, so about 16 communities.

Selectman Page said he's a big fan of asking straight questions and getting straight answers. He then said he's still confused by the response given to Chairman Tavares regarding parking. He said nothing should be taken at a loss; it should at least break even. The point of running a government is to run programs that serve the community as well as revenue.

Frank Basler replied by saying you wouldn't expect to generate revenue form the police department. It's a service that costs and doesn't earn. When we look at programs we look at return on investment rather than revenue. We develop programs to enhance the lives of the inhabitants of Plymouth County. Local government differs from regional government. Salaries are higher as Selectmen can't be compared to County Commissioners.

Treasurer O'Brien also replied by saying some programs do not always make money. States have similar programs that are lost leaders. This program began years ago when smaller towns came to the county to process parking tickets. They asked if we could do it regionally so they could reduce staffing and save their communities money. We know there are things that our towns want that will not make money, and we're providing a service.

Selectman Mahoney said the improperly capped transfer station started leaking methane into the police station in the summer of 2010 and meeting began with Mr. Pallotta. Venting was enforced and the DEP asked us when this would be properly capped. We had meetings and this Board was willing to sponsor a three million dollar Town Meeting Article to have this transfer station properly capped, but the County refused the offer. My issue is the 26 other communities have no idea what goes on between the Town of Plymouth and Plymouth County Government. Selectman Mahoney then asked to have all of the contacts of the other 26 communities within Plymouth County. He then said he would like to have Chairman Tavares make a motion on the Advisory Committee floor to not approve the recommended salary increase for the County Commissioners and to draft a letter to the other communities asking them to do the same.

Chairman Tavares thanked Frank Basler and Tom O'Brien for coming in and discussing the County Budget with the Board of Selectmen.

Tom O'Brien thanked the Board and said they were glad to come in and discuss the budget because there's a lot of misinformation out there.

Selectman Mahoney said that everything he said was accurate and that he had no idea what Mr. O'Brien was referring to in regards to misinformation, t which Mr. O'Brien said the reports about the commissioners is inaccurate as well as many saying that the entomologist is not needed in our communities.

Frank Basler said he appreciated being able to come here tonight and that working together is the end goal regardless of having a few bumps in the road.

On a motion by John Mahoney and seconded by Sean Page, the Board agreed to have Chairman Tavares make a motion at the County Advisory Board Meeting to not approve the Commissioner's salary increase and to acquire the contact names for the other 26 communities within Plymouth County to ask them to join them to not endorse this salary increase as well. *Voted 5/0*

8:08PM – RECESS

8:12PM – PUBLIC COMMENT

Kevin Lynch came up and said it's very interesting watching this tonight. Mr. Bluestone's comments about people being angry at government, whether it is State, County or Town, are true. Mr. Lynch also wanted to give a quick update saying he was downtown last weekend and said he was looking for the Selectmen but didn't see them. Chairman Tavares cut in saying they will not engage in this dialogue and that Mr. Lynch degrades the process. Mr. Lynch then said that his update was that T-Bones was working out very well with the music in the back of the restaurant even with the windows open. He finished by saying he would also like to address the issue of motorcycles and will be back in two weeks with some suggestions for that as well. Chairman Tavares said that they have a procedure to deal with the motorcycles with the Police Department.

8:15PM – PLYMOUTH CITIZEN'S COALITION

Kevin Lynch came back up and said he doesn't mean to poke an eye, but rather to encourage. He went on to say you challenged him to come back with some ideas on the graffiti issue that we have in Plymouth.

Selectman Page asked if the question and answer forum had changed, to which Mr. Lynch said no, you were not here for the last couple of meetings and Chairman Tavares asked me to come back with suggestions for the graffiti problem in Plymouth.

Mr. Lynch then went through his ideas for addressing the graffiti issue which were, acknowledging that there is a problem, publicly state that the Town will address the problems, contact private property owners and make them aware of the bylaw that holds them responsible for clean up, and form a small group to confront the graffiti issues. Mr. Lynch also volunteered to start this group and said he would go to the Committee Precinct of Chairs and ask for more volunteers and other suggestions.

Chairman Tavares said that there is a graffiti task force within the Police Department. These groups of kids all have signatures that they use in their graffiti and the task force can identify the groups by their signatures. DPW does a pretty good job of keeping up with the graffiti under bridges and the skate park wall.

Kevin Lynch said he would come back after talking with some of the private property owners. School Street and Burial Hill is the worst area for graffiti and added that there must be a more aggressive way to deal with this issue.

Selectman Joyce wanted to make Kevon Lynch aware that there is an alcove with public documents as he requested several times.

8:26PM – RECREATIONAL MARIJUANA

Steve Striar came up saying he was in favor of retail sales but opposed to this question being put on the ballot. He added that he does have interest in a medical marijuana facility in another town. Mr. Striar went on to say that 52% of Plymouth voted to legalize marijuana and when they voted they were aware that marijuana could possibly be sold in Plymouth. He also talked about how the demographic of voters that come out during a national election

would or could not come out to vote during a town election so the vote would be skewed. He added that the town could take this vote as a guide then go to Town Meeting, or hold a Special Election. Mr. Striar also said that $40,000 for a Special Election is short money to be able to realize the will of the people. He also said there would be an economic gain for the town, and having a Special Election would alleviate any pressure brought on by the Legislature. He finished by saying he urges the Board not to put this question on the ballot.

Selectman Mahoney asked when he would recommend we hold the Special Election and how many retail locations he would like to see, to which Mr. Striar replied by saying the Special Election should be at the same time as the next General Election. He said in regards to the number of retail shops that there are regulations already set into the laws and as long as the locations were balanced he didn't care where they went.

Jenna Healy said that by putting another question on the ballot would be disrespectful to the voters that already made their voices heard. There's no question about what the town wants. She said that Trump was elected because that's what the people wanted.

Thomas Healy got up and said that they talked to neighbors and friends to get their opinions. Marijuana is already in our community and it's finding the black market, so why not take that income for the town. As far as having dispensaries on every corner, look at the fact that there have only been 12 medical marijuana dispensaries opened in Massachusetts since 2012.

Ashley Shaw came up next and said she did more research and found some interesting wording in the law and thought that Town Counsel should review these sections. She said this is being rushed onto the ballot and the legality should be challenged. Ms. Shaw also said she is a paralegal and thinks that you can't deny recreational marijuana shops where you already allow medical marijuana shops.

Derek Brindisi, Assistant Town Manager, said that the legality which allows the Town to prohibit recreational marijuana exists in the referendum question.

Chris Kolacz came up and said there's a lot of action on Facebook so he came out of his comfort zone to be here tonight and speak. He said this Board was elected to represent us and we have spoken and said we want marijuana and now you want to stick your foot in this vote. Mr. Kolacz added that with everything happening in town they should not turn away added revenue. He finished by saying there's more of a problem with alcohol so we should be concentrating on how it should be zoned.

Selectman Mahoney asked Mr. Kolacz how many locations and where they should be, to which Mr. Kolacz said it shouldn't be treated any differently than alcohol. We're thinking backwards and we should be thinking for the future. I want to see this town flourish

Selectman Page said he is the different vote on the Board. He said he smoked 27 years ago then joined the army and now has no interest. Selectman Page said he agrees with all of the speakers. We are here to do the bidding for the people that vote. It's not our job to hammer something and try to make it change. He finished by saying he cannot support this question going to another vote on the ballot.

Selectman Provenzano said that this referendum question is not a second vote; it's a vote for local control. The community wants to express its will on one component and not the legality of marijuana. We need to work harder to get a higher voter turnout.

Selectman Mahoney asked if we could walk through the worst case scenario. If this question makes it to the ballot and passes, or doesn't pass, what would be the next step?

Derek Brindisi said if it passes we would go to Fall Town Meeting and sponsor a Zoning Article so we could control time, place and numbers. If it didn't pass then we would go to the Fall Town Meeting to memorialize the vote.

Melissa Arrighi, Town Manager, said we need to look at reality. We would need to go to Fall Town Meeting and look at Zoning. We have time to limit the number for marijuana shops within Plymouth. We will recommend Zoning and Local Tax options.

Selectman Joyce said she had multiple email conversations with the Healy's and appreciates their input. She then said the local tax would be 2% and wondered if that would cover the cost to the Town, such as additional police and fire coverage. She finished by saying that she does need to respect the wish of the voters.

Anthony Provenzano Jr made a motion to accept the questions and place it on the ballot; John Mahoney seconded the Motion for discussion.

Selectman Mahoney said that the State is behind the curve again. It's frustrating not to have regulations in place at this point. He said that he certainly will endorse a Town Meeting Article for Zoning Regulations. He also said he would like to see if the Town can get more than the proposed 2% tax income.

Selectman Page said it's frustrating trying to decipher State and Federal laws, and then make local laws. He said he agrees with Selectman Mahoney and does not want to see 15 or 2 of these shops lining Main Street or the Waterfront. A few would be fine that are strategically placed. The people have spoken and now we have to make this a zoning issue. He finished by saying he wants the tax revenue to go back in to public safety.

Selectman Provenzano said that the referendums are not end-all; they simply give the people a voice to be heard on whether or not they want retail shops in their town. To not allow their voice to be heard is the height of arrogance for a Board of five.

Selectman Joyce said that she is concerned because Massachusetts has the highest emergency room visits for opiate based issues. However, she said that she has to respect the majority and cannot support putting this question on the ballot.

On a motion by Anthony Provenzano Jr and seconded by John Mahoney, the Board voted to accept the Recreational Marijuana Retail Question and to place it on the May 20, 2017 Election Ballot. The motion failed.
Voted 2/3 Tavares-Yes, Provenzano-Yes, Mahoney-No, Joyce-No, Page-No

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9:05PM – PLYMOUTH HARBOR – Presentation Update

Chad Hunter, Harbor Master, came up to give and update on the Plymouth Harbor Management Plan. He also introduced Len Blaney, Chairman of the Harbor Plan Subcommittee, and Jack Wiggin from Urban Harbors. They will be presenting the plan tonight but Mr. Hunter wanted to talk a little bit about the funding. He said the plan itself costs about $45,000 of which 75% of it was funded by the Massachusetts Seaport Economic Committee as well as Plymouth Growth and Development Corporation.

Len Blaney came up to begin the presentation which consisted of five PowerPoint slides highlighting the overall plan. Before he began he talked briefly about the subcommittee. Mr. Blaney then went over the following key points:

Why Develop a Municipal Harbor Plan:

- Value of Marine Activities
- Anticipate Emerging Trends and Demands
- Accommodate and Balance Multiple Use
- Environmental Issues
- Improve Appreciation of the Harbor

Harbor Management Plan Process:

- Establish a Harbor Plan Committee
- Establish Public Participation
- Determine Planning Area
- Identify the Issues
- Inventory and Map Existing Conditions

Topics to be Included in the Plan:

- Dredging
- Transient Boating
- Moorings
- Public Access and Safety
- Natural Resources
- Water Quality
- Climate Change
- Tourism and Education
- Recreational and Commercial Uses

Chairman Tavares asked Mr. Blaney if anything surprised him during all of the hearings that they conducted throughout the planning process.

Mr. Blaney replied by saying that there is a big learning curve. Also dredging and public access are huge issues with the public. He went on to say some people want change, and others do want anything to be different from what it currently is. Mr. Blaney wanted to add that Chad Hunter had done an amazing job, not just as the Harbor Master but as a Plymouth resident as well.

Chairman Tavares then said that the Harbor is an important natural asset. He said there has been competition between commercial and recreational users. He asked Mr. Blaney what the next steps would be and how the Selectmen and Town Manager's Office could help.

Len Blaney said that the next step would be to get additional public input. Then we will need to prioritize each aspect of the plan and bring it to the Harbor Committee on May 4th for approval. At that point we would provide the Board of Selectmen with the final approved copy and come back during a future meeting to answer any questions you may have. And lastly, we would bring it to Town Meeting and have the Harbor Plan ratified.

Selectman Page said he commended them all for their hard work. He then asked what they thought was the number one top priority with the committee, to which Mr. Blaney replied by saying dredging is the most important and most challenging aspect of the plan.

Selectman Joyce said that there were nearly 120 recommendations for the Harbor Plan. She then asked if there was a recurring theme; were they all different or some redundant. Chad Hunter replied by saying dredging was definitely a recurring suggestion, but a lot of the other suggestions were deferred maintenance and things that haven't been done for the past 50 years or so. Some things will be costly but others such as kayak marking and signage will be virtually no cost. Selectman Joyce then suggested putting a list together of the plan items and categorizes them by cost.

Selectman Mahoney said they did a great job and that this plan reinforces what we want. He added that eventually we will need to dredge as we would like to have small scale cruise ships come into the harbor and have about 150 passengers disembark and visit the waterfront.

Len Blaney said that besides dredging, transient access came up a lot and would also be at the top of the priority list. We've been given some ideas which include a 300 foot floating dock that would be dedicated to transient boats.

Selectman Provenzano thanks them all for their work and for coming out to the meeting. He added that it is very exciting to see that work is already being done.

9:36PM - LICENSES AND ADMINISTRATIVE NOTES

LICENSES

On a motion by John Mahoney and seconded by Sean Page, the Board approved a One Day Wine and Malt License for **Bramhall's Country Store** for Dinner Events being held on the following dates and times at the Store: *Voted 5/0*

- April 28, 2017 from 6:00pm to 10:00pm
- May 19, 2017 from 5:00pm to 8:00pm
- May 20, 2017 from 6:00pm to 10:00pm
- June 24, 2017 from 6:00pm to 10:00pm
- July 22, 2017 from 6:00pm to 10:00pm

On a motion by John Mahoney and seconded by Sean Page, the Board approved a One Day Wine and Malt License for **EC Event Management** for a Music Show being held on April 28, 2017 and April 29, 2017 from 7:00pm to 11:30pm at Studio G. *Voted 5/0*

On a motion by John Mahoney and seconded by Anthony Provenzano Jr, the Board approved the following Licenses for the Parkhurst Group Inc. b/b/a Green Shuttle South Shore:

- One Vehicle for Hire Business Permit (Livery)
- One Vehicle (Livery LV72651)
- One Vehicle for Hire Operator License (Jeffery Parkhurst, 1 Monisa Kay Drive)

ADMINISTRATIVE NOTES

On a motion by Anthony Provenzano Jr and seconded by John Mahoney, the Board voted to place the following Question that pertains to the Sale of Retail Recreational Marijuana on the May 20, 2017 Election Ballot. Voted 2/3

> **Question:** *"Shall the Town prohibit the operation of marijuana retailers, as that term is defined in G.L. c. 94G, §1(n) within the Town of Plymouth"?*
>
> **Summary:** *The ballot question seeks to prohibit the operation of marijuana retailers in the Town. Passage of the ballot question would prohibit operation of retail establishment related to the delivery and sale, or transfer of marijuana and marijuana products to marijuana establishments or customers but would have no impact upon the sale and distribution of medical marijuana. This proposal would not prohibit the personal use of marijuana or growing of marijuana at a residence as permitted by the law.*
>
> *A* **"Yes"** *vote will prohibit the operation of recreational marijuana retailers in the Town of Plymouth.*
>
> *A* **"No"** *vote will not prohibit the operation of recreational marijuana retailers in the Town of Plymouth.*

9:37PM - COMMITTEE LIAISON / DESIGNEE UPDATES

None

9:38PM - OLD BUSINESS / LETTERS / NEW BUSINESS

Derek Brindisi, Assistant Town Manager, reminded the Board that there was Chapter 61 property which was filed by AD Makepeace. He said if the Board has no interest in purchasing this land then he asks the Board to sign the Declination.

On a motion by John Mahoney and seconded by Anthony Provenzano Jr, the Board agreed to execute the Declination for property filed under Chapter 61 from AD Makepeace. *Voted 5/0*

Selectman Mahoney said that 2020 is right around the corner and we've had limited funding from the State. He also said it would be nice if the Chair, Michelle Pecoraro, could come in one night and give the License Plate Auction some press time. Selectman Mahoney also said that he sat with Lynne Barrett, Finance Director, and went over the Meals Tax. He said it has been performing very well and we are on par.

Chairman Tavares said that he, along with Vice Chairman Provenzano, attended the South Shore Community Action Local Hero Night. He said there were some great awards given out that night and a few were to town employees which made us very proud.

9:43PM - ADJOURNMENT

On a motion by Anthony Provenzano Jr and seconded by Shelagh Joyce, the Board voted to adjourn the Open Session at 9:43pm and enter Executive Session, not reconvene in Open Session. *Voted 5/0*
By Roll Call: Tavares-Yes, Provenzano-Yes, Mahoney-Yes, Joyce-Yes, Page-Yes

Recorded by: Christopher Badot
Administrative Assistant, Board of Selectmen